

**REMARKS**

Claims 1, 3-10 and 13-23 are pending in this application. By this Amendment, claims 1 and 3-9 are amended to recite a document imaging background member. Claim 10 is amended to incorporate the subject matter of claim 11. Claims 13, 15 and 17-20 are amended to change dependency. Claims 21-23 are added. Claims 2, 11 and 12 are canceled.

No new matter is added by this Amendment. Support for the revisions to claims 1 and 3-9 can be found in the specification at, for example, paragraph 23. Support for the language added to claim 10 can be found in original claim 11. Support for claim 21 can be found in the original claims and specification at, for example, claims 10-12 and paragraphs 23-24. Support for new claims 22 and 23 can be found in the specification at, for example, paragraph 23.

**I. Response to Restriction Requirement**

In reply to the February 22, 2005 Restriction Requirement, Applicants provisionally elect Group II, claims 10 and 13-23, with traverse. New claim 21 is drawn to an imaging device, and thus should clearly be included in Group II.

It is respectfully submitted that the devices recited in claims 10 and 21 include a recitation of the document imaging background member of claim 1 as part of the device. Thus, examination of claims 10 and 21 will necessarily require a search of the document imaging background member recited in claim 1. As such, the restriction requirement should be withdrawn and all claims examined.

It is further respectfully submitted that the subject matter of all claims 1, 3-10 and 13-23 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and

examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

## **II. Conclusion**

It is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3-10 and 13-23 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

*Leana Levin*

James A. Oliff  
Registration No. 27,075

Leana Levin  
Registration No. 51,939

JAO:LL/hs

Date: March 22, 2005

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 24-0037</p>
--